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# Transparency and confidence-building measures in outer space activities

## Report of the Secretary-General

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# I. Introduction

1. In paragraph 2 of its resolution 63/68, on transparency and confidence-building measures in outer space activities, the General Assembly invited all Member States to submit to the Secretary-General concrete proposals on international outer space transparency and confidence-building measures in the interest of maintaining international peace and security and promoting international cooperation and the prevention of an arms race in outer space.

2. On 11 February 2009, a note verbale was sent to all Member States drawing their attention to paragraph 2 of resolution 63/68 and seeking relevant information on the issues outlined above. The replies received from Argentina, Colombia, Cuba, Czech Republic (on behalf of the States Members of the United Nations that are members of the European Union), Lebanon, Mexico, Nicaragua, Qatar, Syria and Ukraine are reproduced in section II below. Additional replies received will be issued as addenda to the present report.

# II. Replies received from Governments

## Argentina

[Original: Spanish]
[28 May 2009]

1. General Assembly resolution 63/68 on transparency and confidence-building measures in outer space activities invited Member States to submit concrete proposals on international outer space transparency and confidence-building measures in the interest of maintaining international peace and security and promoting international cooperation and the prevention of an arms race in outer space.

2. The preliminary comments of the Argentine Republic in the matter are as follows:

(a) The Argentine Republic is of the view that the legal system has proven incapable of averting the danger of the militarization of outer space;

(b) It believes that, as a first step, progress must be made in adopting transparency and confidence-building measures as a significant contribution to creating an atmosphere of understanding and cooperation that will help prevent an arms race in outer space;

(c) The process of updating the principles of satellite-based remote sensing of the Earth should begin. The existing principles, which were adopted by a resolution of the General Assembly in 1986, are no longer suited to the present situation. It should be noted, in particular, that those principles contain provisions that do not give developing countries access to the information gathered. Part of the updating process could be to consider establishing the programme of the United Nations Platform for Space-based Information for Disaster Management and Emergency Response, which was considered by the Committee on the Peaceful Uses of Outer Space;

(d) Furthermore, it would be advisable for negotiations to be undertaken in the Conference on Disarmament — the sole multilateral disarmament negotiating forum — on an international legal instrument banning the deployment of weapons in outer space. Such an instrument would have substantial scope and significance as the outcome of negotiations between the parties; furthermore, its adoption would confirm the will of the international community to avoid an arms race in outer space. Argentina supports the proposal by the Russian Federation and the People's Republic of China to negotiate, in the Conference on Disarmament, a treaty on a space weapons ban;

(e) Establishment of unilateral, bilateral, regional and global mechanisms for the provision of information in order to give transparency to space programmes being carried out by States. This could include inviting observers to launches of space objects, demonstrating space technologies and rockets, notification of space vehicle launches and manoeuvres, etc.;

(f) To that end, the General Assembly could set up a Group of Governmental Experts on outer space confidence-building measures to establish the scope, focus and terms of reference for the establishment under the United Nations of a mechanism, system or unified voluntary registry of space activities, including notifications. The Group's work could be based on the relevant existing treaties, codes, principles and global or regional initiatives including, for example, the mechanism for annual reporting under the Hague Code of Conduct on the launching of ballistic missiles and space launch vehicles.

## Colombia

[Original: Spanish]
[29 May 2009]

### Statement of problem

1. Currently, the activities that can take place in outer space help to improve the quality of human life through the establishment of operational communications, weather forecasting, disaster early warning, environmental monitoring, distance education and global navigation satellite systems, among other things.

2. The United Nations promotes the creation of regulatory mechanisms to ensure that all of those activities are carried out solely for peaceful purposes "by all countries regardless of their degree of economic or scientific development, without detriment to the security of any State, and in keeping with the spirit, intent and purpose of the treaty containing the principles governing activities involving the uses of outer space".

3. The General Assembly created the Committee on the Peaceful Uses of Outer Space, which comprises 61 Member States and coordinates the activities of the United Nations in that area.

4. Nevertheless, the international community is concerned about outer space activities that may involve the deployment of military systems, which could unleash an arms race, and the use of nuclear power sources in outer space. This situation is a reality because the legal system that applies to outer space is insufficient to guarantee its non-militarization.

5. These activities have undermined confidence in matters of outer space and are conducive to an arms race in space. That being the case, the consequences for the safety of the human race could be incalculable, since development and the free exploration and peaceful use of space may be affected.

**Proposals on outer space confidence-building activities**

6. As a consequence of the foregoing, international outer space transparency and confidence-building measures are necessary to ensure peace of mind for the international community. We therefore propose:

(a) Developing a mechanism whereby States periodically submit reports on the activities they are undertaking in outer space and the reasons for them;

(b) Creating a mechanism whereby States' activities in outer space can be verified;

(c) Finally, it is important to consider creating, with the help of international cooperation, a specially designed system for the detection and management of space debris.

## Cuba

[Original: Spanish]
[2 July 2009]

1. The General Assembly, by its resolution 63/68, invited all Member States to continue to submit to the Secretary-General concrete proposals on international outer space transparency and confidence-building measures in the interest of maintaining international peace and security and promoting international cooperation and the prevention of an arms race in outer space. In response to this invitation, the Government of Cuba wishes to convey the following considerations.

2. It was quite some time ago that the prevention of an arms race in outer space gave way to expressions of global concern about the grave danger to international peace and security that such an arms race would represent. As a consequence, the international community has established a number of legal instruments for that purpose, including the Partial Test Ban Treaty (1963), the Treaty on Peaceful Uses of Outer Space (1967) and the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (1979).

3. Those instruments have played a positive role in promoting the peaceful use of outer space and in regulating space activities. They have also been important in prohibiting the deployment of weapons of mass destruction and certain military activities in outer space.

4. Cuba supports the efforts being made in that respect by the General Assembly and the Conference on Disarmament, in particular the negotiation in the Conference of an international legal instrument banning the deployment of weapons in outer space, and to that end it favours the urgent establishment of a special committee to start the negotiations. General Assembly resolution 63/68 is a very important contribution to the efforts to prevent an arms race in outer space.

5. At the recent Ministerial Meeting of the Coordinating Bureau of the Non-Aligned Countries held in Havana in April 2009, Heads of State or Government expressed their concern about the negative consequences of developing and deploying anti-ballistic missile defence systems and seeking advanced military technologies that can be deployed in outer space, which could unleash an arms race and lead to the development of advanced missile systems and the proliferation of nuclear weapons.

6. Current international events are demonstrating, however, that these treaties are no longer enough to prevent the deployment of weapons in space. Unfortunately, a considerable number of objects now located in outer space are not intended to solve the problems of humankind but are instead being used for military or espionage purposes and are adding to the generation of space debris. This is one of the main problems we are currently facing in outer space.

7. Last year, we witnessed the official submission to the Conference on Disarmament, in Geneva, of a joint initiative by the Governments of the Russian Federation and the People's Republic of China consisting of a draft treaty for a ban on weapons in outer space. This initiative, which has gained the support of various countries, seeks to ban not only space-based arms development, but also the use of force against satellites or any other type of space object.

8. Cuba reiterates that this is a concrete measure in the interest of maintaining international peace and security in outer space activities whose realization will require the support of the international community. Nevertheless, it is opposed by countries such as the United States of America, which has not given up plans for its anti-missile shield programme, which includes elements ranging from laser cannon to anti-satellite missiles.

9. Transparency and confidence-building measures are no substitute for arms control and disarmament measures, nor are they a precondition for implementation of the latter. Nonetheless, they can facilitate the implementation of disarmament agreements and arms verification. Measures could include:

- Convening an international conference to analyse strict compliance with existing agreements on the peaceful uses of outer space
- A review of the current legal system governing activities in outer space in the light of technological advances, which has been permanently blocked by some States in the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space
- Adoption of multilateral agreements for the exchange of information related to the use of outer space
- Development of international cooperation mechanisms that guarantee all countries equal access to the benefits of the peaceful uses of outer space
- Exchange of information on States' main policy directions on outer space, major space research programmes and programmes for the use of outer space, and the orbital parameters of space objects
- Inviting observers to launches of space objects, on a voluntary basis
- Demonstration of space technologies and rockets

- Notification of scheduled launches of space vehicles, planned space manoeuvres that may come dangerously close to the space vehicles of other States and the re-entry of guided space vehicles from orbit into the atmosphere
- Consultations to clarify information provided on research programmes and programmes for the use of outer space, on ambiguous situations and on other matters of concern and to examine the implementation of the transparency and confidence-building measures agreed upon for space-based activities

10. With respect to the use of nuclear power sources in outer space, which is also a matter of international concern, Cuba believes that until the safety framework is sufficiently clear and progress has been made towards more concrete agreements in that respect, this activity should be restricted as far as possible. This limited use should be accompanied by full and transparent information to other States explaining what measures have been taken to guarantee safety.

11. Transparency and confidence-building measures can play an important role in the drafting, approval and implementation of a new treaty banning the deployment of weapons in outer space and the use or threat of force against space objects. They will also help create favourable conditions for the conclusion of a new agreement.

## Czech Republic (on behalf of the States Members of the United Nations that are members of the European Union)

[Original: English]
[28 May 2009]

**Introductory note**

1. The European Union considers that in the context of expanding space activities that contribute to the development of nations, it is important to improve their security and the security of objects in space. The European Union continues to attach great importance to this issue and is committed to the development and implementation of transparency and confidence-building measures for the peaceful and secure use of outer space. The unprecedented collision between two satellites that occurred in the beginning of February 2009 clearly proved the usefulness of the pragmatic and concrete approach adopted by the European Union.

2. The European Union attaches great importance to the relevant existing agreements on outer space activities, which already provide a wide range of transparency and confidence-building measures, and sees them as the basis on which we should build upon.

3. The European Union voted in favour of General Assembly resolutions 61/75, 62/43 and 63/68 on transparency and confidence-building measures in outer space activities. The broad support garnered by these resolutions confirmed the importance of establishing a voluntary regime encompassing transparency and confidence-building measures based, inter alia, on the following principles:

(a) Freedom for all to use outer space for peaceful purposes;

(b) Preservation of the security and integrity of space objects in orbit;

(c) Due consideration for the legitimate security and defence interests of States.

4. The European Union also recognizes the work of the United Nations Committee on the Peaceful Uses of Outer Space. The Space Debris Mitigation Guidelines endorsed by the Committee in June 2007 and by the General Assembly in its resolution 62/217 are useful contributions to the preservation of the space environment. They are fully conformable with the aims of the European Union plan for a code of conduct for outer space activities.

5. The European Union also supports the initiative aimed at guaranteeing the long-term sustainability of space activities presented to the United Nations Committee on the Peaceful Uses of Outer Space as a proposed new agenda item. The continued involvement of numerous States as well as commercial operators and relevant international organizations reflects the interest in and importance that they attach to the search for concrete measures to strengthen the security of outer space activities. This initiative is fully consistent with and complementary to the European Union plan for a draft code of conduct for outer space activities. The European Union supports that, at the June 2009 main Committee meeting, the long-term sustainability of space activities be formally added to the 2010 agenda of the Committee's Scientific and Technical Subcommittee.

6. In the European context, a European code of conduct for space debris mitigation was adopted in 2004, aimed at reducing the generation of debris in outer space. Furthermore, the European Union adopted the European Space Policy, which is aimed at developing better coordination among the European Union, the European Space Agency and their member States.

**Draft code of conduct for outer space activities**

7. Following the joint reply to resolution 61/75, in which the European Union expressed its intention to propose a code of conduct on space objects and space activities, the European Union developed, at the expert level, a draft code of conduct for outer space activities, which was supported by the Council of the European Union on 8 and 9 December 2008.

8. The European Union believes that a voluntary code of conduct, which is not legally binding, will strengthen safety, security and predictability of activities in outer space, among other things by limiting or minimizing harmful interference, collisions or accidents in outer space.

9. The draft code of conduct for outer space activities is based on the three main principles mentioned above (see para. 3) that should guide space activities.

10. The draft code of conduct is applicable to all outer space activities conducted by States or non-governmental entities, including the activities carried out within the framework of international intergovernmental organizations. It covers civil as well as military outer space activities.

11. The draft code of conduct calls for progress towards adherence to, and implementation of, the existing United Nations treaties, principles and other arrangements, as the subscribing parties would commit to complying with them, to making progress towards adherence to them, to implementing them, and to promoting their universality.

12. The draft code of conduct complements the existing framework by codifying new and innovative best practices in space operations, including notification, consultation, investigation and information mechanisms that would strengthen the confidence and transparency between space actors; it will then contribute to developing good faith solutions that would permit the performance of space activities and access to space for all. According to the draft code, the subscribing States will implement, inter alia, the following confidence-building measures:

(a) In order to minimize the possibility of accidents in space, collisions between space objects or any form of harmful interference with other States' right to the peaceful exploration and use of outer space, the subscribing States will establish and implement national policies and procedures and will take appropriate steps to minimize the mentioned risks;

(b) In order to limit the creation of space debris and reduce its impact in outer space, the subscribing States will implement the Space Debris Mitigation Guidelines of the Committee for the Peaceful Uses of Outer Space endorsed by General Assembly resolution 62/217;

(c) In order to prevent accidents and collisions between space objects, the subscribing States will share information on national space policies on an annual basis. They will commit to notifying in a timely manner, the scheduled manoeuvres; relevant orbital parameters; collisions or accidents; and objects with significant risk of re-entry into the atmosphere or of orbital collision. They will also create a central point of contact and an electronic database;

(d) Moreover, the subscribing States will create a consultation mechanism to achieve acceptable solutions in case of existing reasons to believe that certain space activities are contrary to the purpose of the draft code.

13. The code of conduct will lay down the basic rules to be observed by spacefaring nations in both civil and military space activities; however, it does not include any provisions concerning the placement of weapons in outer space. The purpose of the draft code is not to duplicate or compete with initiatives already dealing with this issue. Nonetheless, as a transparency and confidence-building instrument, the draft does insist, inter alia, on the importance of taking all measures in order to prevent space from becoming an area of conflict and calls on nations to resolve any conflict in outer space by peaceful means.

**Participation in the code of conduct for outer space activities**

14. The aim of the authors is to reach soon a text that is acceptable to the greatest number of countries and can thus bring effective security benefits in a relatively short term. For this purpose, the European Union launched consultations with the countries, which have activities or interests in outer space.

15. At the end of the aforesaid process, the European Union hopes to complete the development of the code of conduct that will be open for accession by all States on a voluntary basis at an ad hoc conference.

## Lebanon

[Original: Arabic]
[31 March 2009]

The Ministry of Defence notes that Lebanon does not engage in any activities in outer space and affirms the following:

- World peace must be preserved in space and the occurrence of any arms race or "star wars" prevented;
- International cooperation and mutual understanding must be strengthened in compliance with the Declaration on Principles of International Law;
- The Secretary-General of the United Nations must be notified by the States parties of any phenomenon they may discover in outer space that endangers human life or health;
- The necessary legislation and strict deterrent regulations must be established to prevent the exploitation and utilization of outer space and an arms race;
- There must be greater transparency, and acknowledgement of the importance of confidence-building measures as a means of ensuring the attainment of the objective of preventing armament in outer space and the establishment of bases or installations therein;
- Missile and nuclear activities in space should be monitored in order to avert the dangers arising from such activities, which are a threat to peace and security.

## Mexico

[Original: Spanish]
[31 March 2009]

1. Mexico considers that protecting the infrastructure of space-based assets is a priority, and towards that end it is essential to avert a major accident in outer space. One way of preserving outer space for exclusively peaceful purposes is to strengthen international cooperation, in particular with respect to the safety and protection of space assets. In this regard and in accordance with Mexico's commitment to maintain the peaceful and universal character of outer space, our country is promoting greater transparency in the activities carried out in this area by the different States, in particular with reference to the Latin America and Caribbean region.

2. Mexico has participated actively in the five Space Conferences of the Americas and contributes to the implementation of the measures identified in their plans of action. At the present time it is considering the possibility of hosting the sixth Space Conference of the Americas, as it considers participation in such forums important because, among other reasons, the United Nations General Assembly has urged the Committee on the Peaceful Uses of Outer Space to continue studying ways and means of fostering regional and interregional cooperation.

3. In the legal sphere, Mexico's aim is for the universal application of the provisions contained in United Nations treaties relating to outer space to help promote international cooperation in the peaceful uses of outer space and foster greater transparency and confidence in space activities. Mexico considers that the implementation of voluntary guidelines on the reduction of space debris at the national level would lead to greater mutual understanding with respect to space activities and thereby would increase stability in space and reduce the likelihood of friction and conflicts. In Mexico's view, it is essential that States that have not yet ratified or acceded to these treaties should consider the possibility of doing so.

4. In short, Mexico supports access by all States to the benefits of the peaceful use of science and space technology through international cooperation, including training and education for personnel and participation in international projects entailing the transfer of technology.

## Nicaragua

[Original: Spanish]
[11 March 2009]

1. Nicaragua recognizes the interest and right of all States with respect to the exploration and utilization of outer space for peaceful purposes. However, given the current state of international law and in the light of recent events, there is a need to strengthen the implementation of the existing instruments in order to prevent an arms race in outer space, which would have serious consequences for international peace and security. In addition, as stated in the Final Document of the 2006 Summit Conference of the Non-Aligned Movement, held in Havana, there is an urgent need for the commencement of substantive work in the Conference on Disarmament on the prevention of an arms race in outer space.

2. There is a need to ensure that Member States that carry out significant peaceful scientific activities in outer space should share their experience with States that do not have space programmes through a specific mechanism for this purpose covering existing and future space programmes.

3. Outer space affairs are handled by the Nicaraguan Civil Aeronautics Institute (INAC), a body of the Ministry of Transport and Infrastructure of the Government of Nicaragua. Nicaragua's primary interest has been and continues to be to benefit from access to satellite technology for use in aviation communications, meteorology and geographical information systems such as the global positioning system (GPS). Nicaragua has access to these systems through institutions that cooperate with it, such as the Central American Corporation for Air Navigation Services (COCESNA), the International Civil Aviation Organization (ICAO) in the field of aviation, and the World Meteorological Organization (WMO) in the field of meteorology.

4. It is keen to participate actively in international forums to promote greater development and understanding of the peaceful uses of outer space. Its policy favours developing these means for scientific and peaceful purposes.

5. Nicaragua shares the concern of the international community over possible accidents or safety failures connected with the use of nuclear power sources in outer space that have been developed for and installed on spacecraft, precisely in those cases where the specific requirements of the mission and limitations with respect to

electric power and thermal management rule out the use of non-nuclear power sources.

6. Nicaragua takes the view that close attention must be paid to these matters owing to the presence of radioactive or combustible nuclear materials in nuclear power sources used in outer space and the possibility that they can cause harm to persons or the environment of the Earth's biosphere should an accident occur. We believe that safety must always be an intrinsic element in the design and use of this kind of technology. It is important to take into account that safety, that is to say the protection of persons and the environment, must be an integral part of research in this field.

## Qatar

[Original: Arabic]
[14 April 2009]

The State of Qatar affirms the need for transparency in activities in outer space. Such activities should be restricted to peaceful uses for the benefit of mankind and the militarization of outer space or its use for military or missile-related activities should be avoided. We also support the development of a unified definition of outer space, the entry into force of a treaty on the prevention of an arms race in outer space, and guarantees of the right of States to conduct peaceful scientific research related to outer space.

## Syrian Arab Republic

[Original: Arabic]
[9 March 2009]

1. The Syrian Arab Republic considers that outer space is the heritage of all mankind and must be used for peaceful purposes and for the benefit of all States.

2. The Syrian Arab Republic emphasizes that the increased importance of outer space, particularly in the field of communications and data exchange at the cosmic level, requires cooperation between all States in order to ensure the continued peaceful and fully transparent utilization of space. The Syrian Arab Republic also emphasizes the necessity of taking measures to ensure confidence-building and the exchange of data between all States, particularly those States that engage in space activities.

3. The Syrian Arab Republic considers that those States that have capabilities in outer space bear a responsibility to ensure its peaceful and non-military utilization, to refrain from engaging in an arms race in outer space and to keep it free of all kinds of weapons of mass destruction.

4. The Syrian Arab Republic expresses its support for the establishment of a subsidiary body of the Conference on Disarmament — as the only multilateral negotiating forum in the field of disarmament — to hold negotiations on a convention to prevent an arms race in outer space as part of a comprehensive and balanced programme of work dealing, on an equal footing, with the substantive issues on its agenda.

5. In this connection, the Syrian Arab Republic expresses its support for the joint Russian-Chinese initiative on a draft treaty prohibiting an arms race, the stockpiling of weapons in outer space and the threat of force against targets in outer space that was submitted to the Conference on Disarmament on 12 February 2008.

## Ukraine

[Original: Russian]
[10 April 2009]

1. Ukraine, as a space Power, is interested in keeping outer space free from weapons and military activities. Outer space is the heritage of all humanity and should therefore be used for peaceful purposes. Our Government has consistently advocated the prevention of the militarization of outer space and opposed the placement of any weapons of mass destruction in outer space.

2. The root of the problem with regard to military security in outer space is the fact that international space law prohibits only the placement in orbit of weapons of mass destruction and nuclear weapon tests in the atmosphere. It does not prohibit the use of outer space for military purposes or the use in outer space of weapons other than weapons of mass destruction. However, the placement of weapons in outer space will have negative consequences for arms control and will essentially lead to armed conflict in outer space itself. In the opinion of Ukraine, the time has come for a complete prohibition on the placement and use of any kind of weapon in outer space, which is the common heritage of mankind. We agree that the most effective way to resolve this issue is to draft a new treaty that would fill the existing gaps in international space law.

3. Ukraine supports the initiative of the Russian Federation and China for the conclusion of a treaty on prevention of the placement of weapons in outer space and the threat or use of force against outer space objects.

4. Ukraine, as a country with significant capacities for conducting outer space programmes, has consistently and rigorously adhered to the international legal principles regulating outer space activities.

5. Ukraine supports the view that transparency and confidence-building measures in outer space activities help to create an environment conducive to resolving international problems, and improving and developing international relations on the basis of cooperation, while facilitating the management of situations that could lead to international tension. Transparency and confidence-building measures as such reduce the risk of a mistaken perception or assessment of another State's military activity, while contributing to the prevention of military confrontation and the application on that basis of the principle of the non-use of force or of the threat of force, and the strengthening of regional and global stability.

6. Ukraine is convinced that broad international cooperation on the exploration of outer space builds mutual confidence between States and contributes to the development of their cooperation in all areas of international life. Ukraine also holds the view that one of the ways to achieve the goal of identifying concrete measures for transparency and confidence-building in outer space is international cooperation based on the exchange of information and data. The Government of

Ukraine implements the following transparency and confidence-building measures in relation to outer space activities:

- Reports to the Secretary-General each year on the nature, progress and results of its outer space activities
- Systematically provides data on space objects that have been launched and space objects that are no longer in orbit
- Provides information to the international community on a regular basis through the official website of the National Space Agency of Ukraine on the number, generic class and payload of Ukrainian space launch vehicles launched
- Provides the Executive Secretariat of the International Code of Conduct against Ballistic Missile Proliferation with prior notifications on a regular basis of launches of Ukrainian launch vehicles in the context of the Sea Launch programme and annual statements on Ukraine's policies regarding the launching of outer space launch vehicles and ballistic missiles

7. Ukraine believes that States should strictly comply with the provisions of international treaties to which they are parties, namely:

- The basic United Nations treaties on outer space (particularly taking account of the provisions of article IV of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, of 27 January 1967, and article IV of the Convention on Registration of Objects Launched into Outer Space of 14 January 1975)
- The Comprehensive Nuclear-Test-Ban Treaty of 24 September 1996
- The Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water of 5 August 1963

8. Ukraine supports the initiative for a European code of conduct for outer space activities.

9. In addition, Ukraine proposes that the information from the annual declarations providing an outline of the policies of the States subscribing to the Hague Code of Conduct with respect to launch programmes for ballistic missiles and space launch vehicles be used to draw up an annual consolidated report by the Secretary-General.

10. Ukraine supports the view that the work on transparency and confidence-building measures in outer space activities (as in the context of the Conference on Disarmament and the First Committee of the General Assembly) may be an important consolidating factor in relation to outer space, and also lead to specific results:

- A careful and responsible approach to the exploration and use of outer space
- The achievement of strategic stability and international security
- The strengthening of a climate of confidence and cooperation in outer space activities.